

Amendment
Serial No. 10/645,188

Docket 5000-1-421

REMARKS

Entry of this amendment, reconsideration of all grounds of rejection and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-4 and 6-8 remain pending herein.

Claim 1 has been amended to recite in part that:

an optical-network unit (ONU) for separating the optical signal transmitted from the OLT into the one or more broadcast signals and the one or more communication signals and transmitting only the broadcast signal(s) selected by a user from said one or more broadcast signals and the communication signals, which are time division multiplexed during broadcasting without being modulated in an optical output signal from the ONU according to a predetermined continuous time slot assigned to the user for processing the broadcast signals in real time;

Support for the above amendment to claim 1 is clearly found in the specification at least at page 12, lines 8-20, page 14, lines 9-12, and shown in FIG. 5.

Claims 1 and 3-4 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Lehman *et al.* (US 4,763,317) ("Lehman"). Claim 2 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Lehman in view of Lin *et al.* (US 2002/0093969) ("Lin"). Claims 6 and 7 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Lehman in view of Williams *et al.* (US 5,808,767) ("Williams") and Ovadia *et al.* (US 6,400,720) ("Ovadia"). Claim 8 stands rejected under 35 USC § 103(a) as being unpatentable over Lehman in view of Williams. Applicant respectfully traverses these ground of rejection for the reasons indicated herein below.

Applicant respectfully submits that the present invention provides a novel and non-obvious advantage over conventional systems (as well as the disclosures of Lehman, and Williams, and/or Ovadia, in that based on the user selection, the ONU provides a

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continuous time slot assigned to the user for processing the broadcast signals in real time.

As shown in FIG. 5. and disclosed at least at page 12, lines 8-20, an example of a continuous time slot is shown. In the example, the user is provided with a continuous time slot that includes (according to this particular example) digital broadcast data for TV1 and TV 2 and high speed Ethernet. The user could view additional broadcasts, if selected by the user and provided by the zapping protocol processor, by the ONU adding, for example, TV #3 and TV #4 *continuously* in the remaining bandwidth (page 12, lines 17-18) for that particular user.

The provision of the continuous time for permits the broadcasting of signals in real time, which provides an advantage over conventional system, because conventional systems must otherwise use a complex modulation scheme (quadrature-amplitude modulation (QAM)).

With regard to Lehman, this reference clearly fails to disclose the recitation in present claim 1 that: "an optical-network unit (ONU) for separating the optical signal transmitted from the OLT into the one or more broadcast signals and the one or more communication signals and transmitting only the broadcast signal(s) selected by a user from said one or more broadcast signals and the communication signals, which are time division multiplexed during broadcasting without being modulated in an optical output signal from the ONU according to a predetermined continuous time slot assigned to the user for processing the broadcast signals in real time" as Lehman clearly discloses at col. 12, lines 16-30, the use of modulation such as Pulse-Analog Modulation (PAM), Pulse-Frequency Modulation (PFM), Pulse-Code Modulation (PCM) and Differential Pulse-code Modulation (DPCM) of the signals sent over fiber 105 between remote node 103

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(which is alleged in the Office Action to constitute an ONU) and subscribers 102. Furthermore, the narrowband channels disclosed by Lehman and sent by TDM are not broadcast channels (see FIG. 1).

Accordingly, for at least the above reasons, present claim 1 is not anticipated by Lehman nor is obvious in view of Lehman (and/or any combination of Lehman and Lin, Williams, and/or Ovadia).

In accordance with MPEP 2131, under 35 U.S.C. §102, according to the United States Court of Appeals for the Federal Circuit, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added)). Therefore, to reject a feature, which is alleged to patentably distinguish the claim containing such feature, as being anticipated by a prior art, the Office Action must establish that the same feature is present in the prior art reference. As Lehman fails to disclose each and every element as set forth in claim 1, this claim is not anticipated by the reference.

Applicants respectfully submit that at least for the above reasons, all grounds of rejection under 35 U.S.C. §102(b) has been overcome.

Applicant also respectfully submits that claim 1 (as well as any of the other claims) would not have been obvious to a person of ordinary skill in the art at the time of invention the combination of elements recited in the claims would not have been within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

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With regard to the claims 2-4 and 6-8, each of these claims is believed to be patentable at least for dependence from claim 1, which is believed to be patentable for the previously-indicated reasons. In addition, individual consideration of each of the dependent claims on their own merits is respectfully requested.

With regard to the rejections under 35 U.S.C. §103(a) in view of Lehman and Lin, Lehman and Williams (with or without Ovadia), or any combination thereof, Applicant respectfully submits that none of the present claims would have been obvious to a person of ordinary skill in the art at the time of invention in view of the combination of references, as none of the combinations disclose or render obvious at least the aforementioned recitations of claim 1. Nor would the recited elements, as combined in the claims, have been obvious at the time of invention as being within the ordinary level of skill in the art. (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

For all the foregoing reasons, it is respectfully submitted that all grounds of rejection in the Office Action have been overcome, and the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

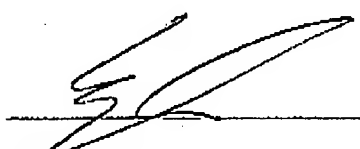
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In the event that any additional fee is required to continue the prosecution of this
Application as requested, please charge such fee to Deposit Account No. 502-470.

Respectfully submitted,
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